

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**GREGORY BROOKS**

**PLAINTIFF**

**vs.**

**CAUSE NO. 1:12-cv-00190-SA-DAS**

**CITY OF WEST POINT, MISSISSIPPI;  
JIMMY BIRCHFIELD; and  
WILLIAM SPRADLING**

**DEFENDANTS**

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**MOTION TO STRIKE DEFENDANTS' REPLY IN SUPPORT OF THEIR  
MOTION FOR SUMMARY JUDGMENT  
OR IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE SURREPLY**

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COMES NOW, Gregory Brooks, and files this motion to strike Defendant's reply in support of their motion for summary judgment, and states as follows:

1. Defendants filed their motion for summary judgment (Doc. 57) and supporting memorandum (Doc. 58) on February 14, 2014, after having been granted an extension of time to do so (Doc. 56).
2. Plaintiff filed his response to Defendants' motion for summary judgment (Doc. 66) and supporting memorandum (Doc. 67) on March 14, 2014, after having been granted an extension of time to do so (by Text Order of 2/27/2014).
3. Defendants' memorandum in support of their motion for summary judgment totaled 31 pages in length, not including the certificate of service. Defendants' reply to Plaintiff's response (Doc. 70) totals 20 pages in length, not including certificate of service.

4. Rule 7(b)(5) of the Local Uniform Civil Rules of the District Courts requires that a movant's original and rebuttal memorandum briefs together not exceed 35 pages in length. Defendants' briefs total 51 pages in length.
5. Defendants have never been granted leave to exceed the total number of allowable pages under the local rules.
6. Plaintiff respectfully requests this Court strike Defendants' reply brief (Doc. 70) and give it no consideration in addressing Defendants' motion for summary judgment.
7. Should the Court not strike Defendants' rebuttal brief, Plaintiff respectfully requests leave to file a brief surreply to Defendants' rebuttal.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that this Court Strike Defendants' Reply in Support of their Motion for Summary Judgment, or in the alternative, grant Plaintiff leave to file a surreply to Defendants' rebuttal brief.

Respectfully submitted this the 31<sup>st</sup> day of March, 2014.

BY: s/ Brandon Flechas  
BRANDON FLECHAS (MSB#102283)  
PHILIP A. STROUD (MSB# 99401)  
Attorneys for Plaintiff

**OF COUNSEL:**

**The Stroud Law Firm, P.C.**  
**5779 Getwell Road, Suite C-1**  
**Southaven, MS 38672**  
**Tel. (662)536-5656**  
**Fax (662)536-5657**

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 31<sup>st</sup> day of March, 2014, electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Lem E. Montgomery, III  
Margaret Smith  
Butler, Snow, O'Mara, Stevens &  
Cannada, PLLC  
[lem.montgomery@butlersnow.com](mailto:lem.montgomery@butlersnow.com)  
[orlando.richmond@butlersnow.com](mailto:orlando.richmond@butlersnow.com)

Attorney for Defendants

And I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants: None.

s/ Brandon Flechas